

TOWN OF COLLIERVILLE
Board of Zoning Appeals (BZA)
Variance Application Checklist

Planning Division
500 Poplar View Pkwy
Collierville, TN 38017

Telephone: (901) 457-2360
Fax: (901) 457-2354
Website: www.collierville.com



The following information shall be submitted along with the application form. **Please check as submitted.**

GENERAL INFORMATION:

(The below documents may be found on the Town website.)

- Completed Project Application Form
- Common Submittal Requirements: all information listed in the common submittal document must be submitted.
- Project Acknowledgement
- If applicant is a for-profit or not-for-profit entity, a completed Disclosure of Ownership form

VARIANCE REQUEST INFORMATION:

The following are required to constitute a sufficient variance application, unless expressly waived by the Town Planner or his/her designee:

- Site layout or survey of property drawn to scale that includes (if applicable):
 - Location of property lines
 - Front, rear, and side setback lines
 - Footprint of **existing** and **proposed** building(s)
 - Location of easements or rights-of-ways
- Elevation drawing(s) indicating building height and dimensions (if applicable).
- Provide a cover letter with your application that addresses each of the following:
 - Description of the requested Variance
 - Situation creating the hardship.
 - Conditions associated with this situation that make your property different from the conditions of the surrounding lots or property.
 - What effect that granting this variance would have on adjoining streets or public or private property?
 - What other alternatives could solve the problem caused by the situation?
 - Written response to each question of the Standards for Variances test below.

STANDARDS FOR VARIANCES:

In order to grant a variance, the Board must find that there are exceptional physical conditions with the property that make a strict application of the requirements of the Zoning Ordinance an undue hardship or practical difficulty that would deprive the owner reasonable use of the property. The Zoning Ordinance states that a variance may only be granted if it will not cause "substantial detriment" to the public good and it will not substantially impair "the intent of the Zoning Ordinance." The Ordinance requires the Board to review a specific set of criteria, Section 151.309(F)(1), in considering each request. The Board must find that the request meets the criteria based upon the evidence presented. If the request does not meet the criteria, it must be denied. The criteria from the Zoning Ordinance are paraphrased in the questions below, and the applicant is expected to answer each question in their cover letter. Answers should not be a simple "yes" or "no" only, but should elaborate on why

1. Do the particular physical surroundings, shape or topographic conditions of the specific property involved result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out?
2. Are your reasons for the variance applicable, generally, to other property within the same district?
3. Will the variance will not authorize activities in the applicable zoning district other than those permitted by the zoning ordinance (example: retail sales in a residential zoning district allowed by a variance that allowed the owner to build a detached garage)?
4. Are financial returns *only* considered as a basis for granting a variance? If no, explain the other reasons why a variance is justified?
5. Has the alleged difficulty or hardship has been created by any person having an interest in the property after the effective date of the zoning ordinance?
6. Is the variance the minimum variance that will make possible the reasonable use of the land, building, or structure?

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7. Will the granting of the variance be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located?
8. Will the proposed variance impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area?
9. Will the variance interfere with or encroach upon a recorded public or private easement unless a written waiver has been executed by the owner of the public or private easement allowing the interference or encroachment?